

AO 91 (Rev. 08/09) Criminal Complaint

## UNITED STATES DISTRICT COURT

for the

Southern District of Texas

MAY 19 2016

United States of America  
v.  
Darrin Antonio SOZA  
USC: 1988

Case No.

M-16-0966-M

Clerk of Court

Defendant(s)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 05/18/2016 in the county of Hidalgo in the  
Southern District of Texas, the defendant(s) violated:

Code Section

Offense Description

18 USC 922(k)

Title 18 U.S.C. 922(k): Transport, ship, or receive, in interstate or foreign commerce, any firearm which has had the importer's or manufacturer's serial number removed, obliterated, or altered.

This criminal complaint is based on these facts:

See Attachment A

☒ Continued on the attached sheet.

Approved by Robert J. [Signature]  
AUSA 5/19/16

[Signature]  
Complainant's signature

Vincent P. Rubbo - ATF Special Agent  
Printed name and title

Sworn to before me and signed in my presence.

Date:

5/19/2016

[Signature]  
Judge's signature

City and state:

McAllen, Texas

U.S. Magistrate Dorina Ramos

Printed name and title

ATTACHMENT A

On May 17th, 2016, ATF McAllen I Field Office was notified by Federal Firearms Licensee (FFL) Tejas Shooting Supply, located at 5004 N 4th St., McAllen, Texas, that Mr. SOZA was attempting to acquire a rifle from the FFL. A recent National Instant Criminal Background Check System (NICS) checks conducted by the FFL, revealed that Mr. SOZA is a prohibited person under Title 18 U.S.C. 922(g)(2): a person who is a fugitive from justice. Mr. SOZA is currently wanted in the state of North Carolina for a misdemeanor Probation Violation charge.

On Thursday, May 18, 2016, ATF Special Agents conducted a surveillance and arrest operation of Darrin Antonio SOZA. Agents observed Mr. SOZA drive to and meet with another individual in the parking lot of H-E-B Plus, located at 901 W Expy 83, San Juan, Texas, 78589. Agents observed SOZA enter the trunk of a 1997 Nissan Altima. Mr. SOZA then showed one or more rifles to the other individual. Mr. SOZA was then handed cash. At this time, ATF Agents approached the two individuals.

Upon arrest, Agents discovered two AK-47 type 7.62x39 caliber rifles in the trunk of the Altima. Agents observed obliterated serial numbers and manufacture markings on both of the firearms. Agents also recovered \$3,000 in cash from where SOZA was standing when he was approached by law enforcement. Mr. SOZA was attempting to sell two Hungarian made AK-47 type 7.62x39 caliber rifles, with obliterated serial numbers when Agents intervened. On the lower receiver of the previously mentioned rifles, where the serial number is located per the manufacturer, there is evidence of altering of the serial number from being recognizable through the use of a file, grinding tool, or similar item.

On May 18, 2016, I requested a determination from ATF Group I Special Agents as to the interstate nexus of the aforementioned firearms. SA Mark Wilson, who is recognized as an expert in the interstate movement of firearms, advised me that both Hungarian made AK-47 type, 7.62x39 caliber rifles, with obliterated serial numbers, were not manufactured in the state of Texas and therefore traveled in interstate commerce.